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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,919	04/19/2000	Joseph P.R. Tosey	50014.US01	3485
23552	7590	07/23/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			DADA, BEEMNET W	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/551,919

Applicant(s)

TOSEY, JOSEPH P.R.

Examiner

Beemnet W Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The text of those sections of Title 35 U.S. Code not included in this action can be found in a prior office action.
2. Claims 1, 7, 11-12, 18, 22-23, 29 and 33 are rejected under 35 U.S. C 103(a) as being unpatentable over Naito et al. (US Patent No. 5,875,345) in view of Johnson et al. (hereinafter refereed to as Johnson\_097) (US Patent No. 5,664,097).
3. The rejection is applied for the same reason as set forth in the previous office action, pages, 2-5, mailed 11/19/03.
4. Claims 2, 13, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito in view of Johnson\_097 and further in view of Johnson et al. (hereinafter referred to as Johnson\_475) (U.S. Patent No. 5,682,475).
5. The rejection is applied for the same reason as set forth in the previous office action, page 5, mailed 11/19/03.
6. Claims 3-6, 14-17, and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito in view of Johnson\_097 and further in view of "System Mode Transition with

Notification and Adoption," IBM Technical Disclosure Bulletin, September 1995, Vol. 38, Issue No. 9, pages 153-154 (hereinafter referred to as IBM).

7. The rejection is applied for the same reason as set forth in the previous office action, pages 6-8, mailed 11/19/03.

8. Claims 8-10, 19-21, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naito in view of Johnson\_097 and further in view of Jalili (U.S. Patent No. 6,209,104).

9. The rejection is applied for the same reason as set forth in the previous office action, pages, 8-10, mailed 11/19/03.

10. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Naito in view of Johnson\_097, and further in view of Flickner et al. (hereinafter referred to as Flickner) (U.S. Patent No. 6,282,553 B1).

11. The rejection is applied for the same reason as set forth in the previous office action, pages, 10-11, mailed 11/19/03.

### ***Response to Arguments***

12. Applicant's arguments filed 5/18/04 have been fully considered but they are not persuasive.

13. With respect to claims 1, 12 and 23, the applicant argues that Naito fails to teach or suggest continuing the operation session if the user performs an authentication-update process within a second predetermined time period after the operating session is suspended, and continuing the operating session if the user performs the authentication process after the operating session is suspended in the second predetermined time period is exceeded. Further, the applicant argues that Johnson\_097 does not suggest a second predetermined time and an authentication procedure. Furthermore, the applicant argues that the primary and secondary references both fail to teach a second predetermined time period that relates to authentication-update process. The examiner respectfully disagrees.

Naito teaches an information processing system where, the system enters a suspend mode when a predetermined time has elapsed since a last system operation (first predetermined time) [See Naito, column 4, lines 5-24], and performing authentication if the system resumes after a second predetermined time has elapsed [See Naito, column 4, lines 5-24]. Naito also teaches the system continuing without authentication, if the system resumes within a second predetermined time [See Naito, column 4, lines 5-24], but Naito suggests that in a system where improved security is stressed authentication could be necessary [See Naito, column 3, lines 35-37]. Further, Johnson\_097, teaches voice recognition method for delaying the activation of inactivity security mechanism, thereby eliminating the need for keyboard password authentication when a user inputs predetermined audio signal when a time limit of a security mechanism is about to expire (inputting a predetermined audio signal (understood by the examiner as an authentication-update process)) [column 1, lines 37-45 and column 4, lines 25-47]. Therefore, modification of voice recognition method for delaying the activation of inactivity security mechanism taught by Johnson\_097 into the system of Naito comprising a

second predetermined period for delaying activation of inactivity security mechanism teaches a second predetermined time period that relates to authentication-update process, eliminating the need for keyboard password authentication, and improving system security.

14. As per claims 7, 11, 18, 22, 29 and 33 the applicant argues that Naito in view of Johnson\_097 fails to teach performing an authentication-update process comprising inputting a predetermined signal to the user-operated device within the second predetermined time period. The examiner respectfully disagrees.

Johnson\_097 teaches voice recognition method (by comparing stored samples of valid user voice inputs see column 4, lines 25-30, i.e., understood by the examiner as authentication-update process by inputting predetermined voice signal) for delaying the activation of inactivity security mechanism [column 1, lines 37-45 and column 4, lines 25-47]. Therefore, modification of inputting predetermined voice signal for delaying the activation of inactivity security mechanism taught by Johnson\_097 into the system of Naito comprising a second predetermined period for delaying activation of inactivity security mechanism teaches a predetermined signal that relates to an authentication-update process within a second predetermined time, eliminating the need for keyboard password authentication, and improving system security.

15. As per claims, 8-10, 19-21 and 30-32, the applicant argues that the combination of Naito in view of Johnson\_097 and further in view of Jalili fail to teach or suggest continuing the operation session if the user performs authentication-update process within a second predetermined time period and wherein the authentication update process comprises inputting a

predetermined signal to the user-operated device within the second predetermined time period.

The examiner respectfully disagrees.

As discussed above, Johnson\_097 teaches inputting predetermined signal for delaying the activation of inactivity security mechanism [column 1, lines 37-45 and column 4, lines 25-47]. Therefore, modification of inputting predetermined signal for delaying the activation of inactivity security mechanism taught by Johnson\_097 into the system of Naito comprising a second predetermined period for delaying activation of inactivity security mechanism teaches a predetermined signal that relates to an authentication-update process within a second predetermined time, eliminating the need for keyboard password authentication, and improving system security.

16. As per claim 34, the applicant argues that the combination of Naito in view of Johnson\_097 and further in view of Flickner fail to teach or suggest continuing the operation session if the user performs authentication-update process within a second predetermined time period and wherein the authentication update process comprises inputting a predetermined signal to the user-operated device within the second predetermined time period. The examiner respectfully disagrees.

As discussed above, Johnson\_097 teaches inputting predetermined signal for delaying the activation of inactivity security mechanism [column 1, lines 37-45 and column 4, lines 25-47]. Therefore, modification of inputting predetermined signal for delaying the activation of inactivity security mechanism taught by Johnson\_097 into the system of Naito comprising a second predetermined period for delaying activation of inactivity security mechanism teaches a predetermined signal that relates to an authentication-update process within a second

predetermined time, eliminating the need for keyboard password authentication, and improving system security.

### ***Conclusion***

17. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (703) 305-8895. The examiner can normally be reached on Monday - Friday (8:30 am - 6:00 pm).

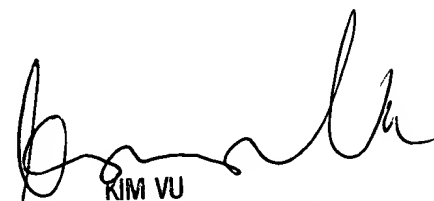
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

July 11, 2004



KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100